
Report to the Director-General on an application for a Site Compatibility Certificate under the SEPP (Housing for Seniors or People with a Disability) 2004

SITE: Former Vaucluse High School site, No.2 Laguna Street, Vaucluse, NSW 2030

APPLICANT: THINC Projects on behalf of Markmoran at Vaucluse Seniors Housing Development

PROPOSAL:

The proposal is for demolition of the existing school buildings and construction of a new seniors housing development. The proposed development consists of three separate buildings and includes:

- Building 1 - a part 4 and 5 storey residential care facility with a central atrium space providing between 210 and 240 beds (fronting Old South Head Road);
- Building 2 - a part 3 and 4 storeys containing between 12 and 16 dwellings located to the west (rear) of the site;
- Building 3 - a 1 storey building ancillary to Buildings 1 and 2 located to the west of the site containing a dining area and recreational facilities;
- Two basement levels containing ancillary spaces and parking spaces for between 80 and 110 cars, two mini vans and an ambulance; and
- A landscaped central plaza, courtyards, terraced gardens and water features.

Other facilities to which residents will have access include a swimming pool, gym, cinema, library, beauty salon and wellness centre for physiotherapy. Vehicular access to the site is from two main driveways entrances off Old South Head Road (also main pedestrian entry) and Laguna Street. These driveways lead to basement car parking. Refer proposed site plan at **Tag E**.

LGA: Woollahra

SITE DESCRIPTION

The site is located on the northern side of Laguna Street and the western side of Old South Head road and comprises No.2 Laguna Street and No.110 Old South Head Road, Vaucluse described as Lot 1554 in DP 820600 and Lot 1 in DP 514277.

The site occupies an irregular shaped piece of land covering 12, 030 square metres (1.203 hectares). The topography of the site falls a distance of 11 metres from the north-eastern corner of the site, down to the site's south-eastern corner and that there is also a cross-fall of between 1.5m and 4.5m. The proposal will have a stepped formation to reflect topography.

PERMISSIBILITY STATEMENT

The zoning of the subject site is Zone 5 - Special Use Zone (school), under Woollahra Local Environmental Plan 1995 (LEP). The site abuts land that is zoned 2(b) Residential on its north-western and north-eastern boundaries.

The proposal is not permissible in accordance with the 'special uses' zone in the LEP. The use is permissible on this land by virtue of clause 4(1)(a)(iv) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2007 (Seniors Housing SEPP), which permits the type of development proposed on land zoned 'special uses'. Refer extract of zoning map at **Tag F**.

The proposed development conforms to development standards set out in clause 40 of the Seniors Housing SEPP (site size and frontage) which allows a consent authority to grant consent to the development.

The proposed development exceeds the 9.5 metres height limit which applies to the site under Woollahra LEP 1995. A SEPP 1 Objection has been prepared in support of a height variation. This is discussed further below in consideration of the impacts in Item 6.

BACKGROUND

In late 2006, the NSW State Government submitted the site for sale by public tender. The tender stipulated that the site was for the development of a "prestigious seniors living facility on one of the few suitable and available sites in the Eastern suburbs." The title to the site contains a covenant to this effect. The sale was finalised in January 2007.

A Site Compatibility Certificate (SCC) application was lodged with the Department proposing a seniors housing development comprising 78 self-contained dwellings. In January 2008, the Director General issued a SCC for the site with a currency of 24 months.

A development application for seniors housing comprising 78 self contained dwellings, a manager's dwelling and basement car parking for 102 spaces was lodged with Woollahra Council. In July 2008, Council granted development consent with conditions.

In December 2010, Council approved a section 96 modification proposing an increase in accommodation from 79 dwellings to 99 dwellings, an increase in car parking from 102 to 175 spaces and increase in gross floor area.

The previous SCC has expired. The site has been purchased by new owners, Barbara and Mark Moran and the current SCC application is submitted on their behalf.

Strategic and local planning context

The **Metropolitan Strategy** seeks to assist in planning for Sydney's growth by providing access to housing and services in existing urban areas. It recognises the need for more specialised housing to accommodate Sydney's aging population.

Two key directions of the **Draft East Subregional Strategy** are to improve housing choice and allow communities to 'age in place'. A residential target of 2,900 extra dwellings is specified for Woollahra by 2031. The draft strategy forecasts that some 18% of the East subregion's population will be greater than 65 years of age by 2031 and that an increase in residential accommodation will be required to cater for this demand.

CONSIDERATION UNDER CLAUSE 25(5)

In order to issue a SCC, the Director-General must form the opinion that:

- (a) the site of the proposed development is suitable for more intensive development, and
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria set out in clause 25(5)(b).

1. Suitability of the site for more intensive development

The site is suitable for more intensive development. It sits within an established urban area and is in close proximity to shops and public transport (see details below in point 4 on services and infrastructure). The site is also close to the City, the coast and local parks one of which includes a bowling club.

To the north and north-east of the site, development consists of two storey residential flat buildings and single and two storey, semi-detached dwellings. To the east on the opposite side of Old South Head Road is the South Head Cemetery. Development to the west is a mix of two storey residential flat buildings and single dwellings which back onto the subject site. To the south-west, on the corner of Laguna Street and New South Head Road is the Vacluse Neighbourhood Village 3(c) Zone. This shopping centre offers a variety of retail and service facilities and includes mixed use development providing three storey buildings to the street.

There are 4 redundant buildings on the site ranging in height from one to three storeys. Approximately 750 students attended the high school in its final years before closure, and together with the associated activity, would have represented a fairly intensive use of the site. The proposed development would accommodate significantly fewer users of the site. It is also likely that the amount, frequency and concentration of general activity would be significantly less than when the school was in operation. However, the increase in built form and overall mass and scale of the proposal will represent a more intensive physical development of the site than that which currently exists.

The site has sufficient space to be able to physically accommodate a form of built development that is more intensive than the existing development on the site. The detail of the proposal's design and layout will be subject to the consideration of the consent authority.

2. Natural environment and the existing and approved uses in the vicinity

The majority of the site is occupied by buildings and hard surfacing and there appears to be limited significant environmental values, resources or hazards present at the site.

The Statement of Environmental Effects (SEE) does not provide an assessment of existing landscaping on the site other than to note the planting of trees and shrubs at the site perimeter and between certain buildings. The SEE indicates that the proposed construction works will result in the removal of most of the existing trees on the site.

The Landscape Design Statement is accompanied by a Landscape Concept Plan which indicates the retention of the existing Norfolk Island Pine at the Laguna Street entrance to the site. Norfolk Island Pines are proposed in the setback area at the corner of Laguna Street and Old South Head Road to continue the theme of Norfolk Island Pines in Old South Head Road.

An **Arborist Report** should be required to accompany any development application (DA) for the site in order to provide an assessment of tree species on the site and to identify any that should be protected and retained. This matter is referred to in the Department's letter of advice to Council at **Tag D**.

The site is bounded to the north and north-east by residential development and there appears little in the way of significant environmental values, resources or hazards in those areas that would be affected by the proposal.

The south-eastern and north-western edges of the site are bounded by Old South Head Road and residential properties on New South Head Road respectively. Again, there appears to be little scope for the presence of any significant environmental values, resources or hazards.

Opposite the site to the east, is the South Head Cemetery which is located within the Waverley LGA. It is considered unlikely that there are any significant environmental values, resources or hazards that would have any impact on the proposal. It is also considered that the proposal would not have any significant impact on the cemetery, due to the degree of separation between the site and the cemetery, a local heritage item, resulting from the presence of Old South Head Road.

3. Impact on the future uses of the land

The land is specifically zoned special use for school purposes under the current LEP. The Council is in the process of preparing a new principal LEP based on the Standard Instrument Order (Local Environmental Plans) 2006. The process of investigating land uses and appropriate development controls and provisions throughout the LGA is gradually proceeding. A preliminary draft of Council's new LEP has been received and indicates that the site is likely to be zoned R3 Medium Density Residential.

As indicated above, the land was sold by the NSW State Government in January 2007. The site title is subject to a covenant permitting only development for aged

care or seniors living. Should the covenant ever be lifted the site would be subject to the future zoning requirements of the proposed R3 Medium Density Residential zone which is likely to take effect when the new principal LEP is likely to be gazetted in 2013.

4. Services and infrastructure

The Accessibility Report submitted with the SCC application indicates that development is conveniently located within 100 metres of the Vacluse village shops on New South Head Road which complies with clause 26(2)(a) of the Seniors Housing SEPP. However, the range of shops and services do not fully satisfy the requirement of clauses 26(1) and 26(5) of the Seniors Housing SEPP. Therefore the development relies upon the provisions of clause 26(2)(b) regarding access to public transport service that can convey residents to an appropriate range of shops and services. The subject site is located within 50-250 metres from public bus services 386/387 which travel along Old South Head and New South Head Roads to Bondi Junction shopping centres via Dover Heights and Rose Bay shopping centres.

The applicant's submission indicates that as the site is within an established area, electricity, telephone, water and sewerage are readily available. An Authorities Infrastructure Report accompanying the SEE, confirms availability of these services including the availability of a natural gas connection to the site. This report also indicates that a minor sewer extension to the existing 225mm sewer main will be required and that Council's stormwater system will need to be extended to the redeveloped site. These are technical issues and will not affect the principle of the compatibility of the site.

As indicated above, adequate services and infrastructure will be available to meet the demands arising from the proposal. Any required upgrades that may be required have been identified as minor.

5. Impact on open space and special use land

The development of the site would have no direct impact upon existing open space. The anticipated incoming site population will, for the most part, require high level care and could not be expected to generate an increased demand for local open space.

Extensive landscaping is proposed on site for the use of residents of the development and there is existing local open space in the vicinity at Samuel Park nearby which includes Vacluse Bowling Club.

The land was sold by NSW State Government for the purposes of a seniors living development having been considered surplus to requirements. The loss of this 'special uses' (school) land has already been considered to be acceptable by the NSW Government Asset Management Committee and Property Disposal Assessment Panel.

6. Impact of the bulk, scale, built form and character of the proposed development

The bulk, scale, built form and character of the proposed development is suburban in nature. The site is located in a built-up suburban area that is characterised by a mix of development, consisting largely of single storey semi-detached dwellings and two and three storey residential flat buildings, varying in age and architectural style.

The replacement of the fairly sizeable and utilitarian 1960s-era school buildings with a contemporary design of building(s), such as contained in the proposal, and more structured landscaping, would improve and enhance the character and appearance of the area. Glazing will be the predominant façade material which is broken up by vertical box frames to provide visual interest and articulation.

Heights

The proposed development will result in an increase in the bulk and scale of the built form and will be a more intensive physical development of the site than that which currently exists. The three proposed buildings will range in height from 1 to five 5 storeys. The height variation in the three buildings above natural ground level is as follows:

Building 1 - 11.0m to 17.8m

Building 2 - 9.0m to 11.8m

Building 3 - 1.2m to 6.1m

Building 1 has a long frontage to Old South Head Road and from the south-eastern corner of the site presents as a 17.0m high building with a 3.4m high cantilevered structure at the top level (refer south-east elevation and proposed view at **Tag G**). This is 2 storeys higher than the existing building on this part of the site and higher than surrounding development which is between 1 and 3 storeys. It is also higher than the previously approved seniors housing development which was part 3 and part 4 storeys. A proposed view from Old South Head Road is at **Tag E**.

A SEPP 1 Objection has been lodged with the SCC application in relation to varying Council's 9.5 metre height limit for the site. This will be an issue for the consent authority to consider, in this instance being the Sydney East Joint Regional Planning Panel as the value of the development is \$75m. The issue of the SEPP 1 Objection to vary the height standard is referred to in the attached letter to Council at **Tag D** and recommends that serious consideration be given to the matter.

FSR

The proposal will have a gross floor area (GFA) of 25,331m², comprising 20,927m² above ground and 4,404m² below ground. The applicant's submission states that heights of buildings and GFA may vary slightly with the design development process. The site is excluded from Council's floor space ratio controls.

Setbacks

It is considered that the existing, approved or future uses of land in the vicinity of the development will not be significantly affected by the proposal. This is due to its separation from land across Laguna Street and Old South Head Road and the setback from dwellings on New South Head Road (to the rear of the site). In addition, proposed landscaping and the presence of outbuildings at the rear of those dwellings will serve as a buffer.

However, the setback narrows to 1.5m between Building 3 and the rear boundary which is of concern, particularly as kitchen facilities are proposed at the rear of this building. Whilst there are garages at the rear of the dwellings in this location, the setback could be widened here to protect the amenity of dwellings directly behind from possible impacts from the kitchen facilities. A specific requirement is proposed on the SCC to the effect that building setbacks and other matters should be to the satisfaction of the consent authority.

Amenity

Amenity impacts will also occur within the proposed buildings as a result of the orientation of the site, the topography and built form which will restrict solar access to a number of dwellings and rooms. The SEE indicates solar access will be maximised in the common living areas with the introduction of atriums in the RCF building.

Shadow diagrams indicate that there will be additional shadows cast over adjoining properties in mid-winter. These will extend across Laguna Street and reach the front yards and northern part of the dwellings of No.108 Old South Head Road and Nos. 3-5 Laguna Street between 9.00am and 11.00am. At 3.00 pm in mid-winter there will also be shadow cast by the proposed buildings over Old South Head Road. This shadow will extend to the cemetery and to the front yards of the 4 townhouses on the corner of Old South Head Road and Burge Street. The applicant is of the opinion, that the additional shadows cast is not considered to be significant and should not prevent neighbouring development from achieving 3 hours or more of solar access in mid-winter.

Car parking

The proposed development will provide between 80 and 110 car parking spaces. The seniors housing SEPP requires 70 car parking spaces for the proposed development.

VERBAL COMMENTS FROM COUNCIL

The Department has had verbal discussions with Council's planners who have indicated that Council will not be making a formal submission in relation to the SCC application. Council will await the Department's advice concerning the SCC for the site. It is understood that Council's Director of Planning and Development considers the site to be potentially compatible with the criteria of the Seniors Housing SEPP as set out under clause 25(5)(b) and will consider the SEPP1 objection in support of the departure from the height restrictions in Woollahra LEP as part of the DA process.

CONCLUSION

The subject site is a suitable location for a seniors housing development. It is well located in close proximity to Bondi Junction and Rose Bay and with access to local retail services. The proposed built form is not inconsistent with the scale and form of existing building on the site. The site and the surrounding uses in the vicinity are able to accommodate an intensification of use of the site if the following conditions are satisfied:

1. The final number of beds and dwelling units on the site will be subject to the consent authority being satisfied with the form, height, bulk and scale, setbacks, and landscape elements of the proposal; and
2. Site accessibility being satisfactorily resolved by improving the footpath and kerb ramp at the corner of Laguna Street and New South Head Road as recommended in the Accessibility Report to fully comply with AS1428 Design for Access and Mobility, Part 1, Version 2009.

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Grant 3/9/12

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